Mr. A. B. Salem.—For three years you have been carrying on the administration like that, and still you say to-day that "the Government" does not mean anything but "His Highness".

President.—That is alright.

Mr. K. T. Mathew.—This is of importance to us, Sir, because, if His Highness' sanction is necessary, and His Highness does not give the sanction, we cannot find fault with His Highness. His Highness is above the Council, and we cannot criticise his ruling. If it is the Diwan's ruling, we have every right to criticise it.

President.—By all means, criticise.

Mr. K. T. Mathew.—This is of paramount importance. That is why we want to know whether "Our Government" stands for "Our Diwan".

President.—That question does not arise. When the question arises, you may put it.

A Bill to amend the Cochin Court of Wards Regulation.

Mr. N. Padmanabha Menon.—On a point of order, Sir. According to the supplementary agenda supplied to us, the next motion is one under Standing Order 42 (1) that the Bill to amend the Cochin Court of Wards Regulation be taken up and passed. Last time, when the motion that the Bill be taken up and passed was made in the Council, it was negatived. So, there is no Bill before the House now. Section 42 (1) applies only to a particular class of Bills, that is, "if no amendment be made when a motion that the Bill be taken into consideration has been agreed to by the Council, or if the amendments proposed have been considered by the Council, the Member in charge of the Bill, or, in his absence, any Member may move that the Bill or the Bill as amended may be taken up and passed at a subsequent meeting." Here a motion under section 42 (1) was made last time, and that motion was negatived. So a further motion during this meeting is not in order.

President.—That motion was that it might be taken up and passed at a subsequent meeting on a particular day. That was negatived. Is there any objection for the moving and the passing of the Bill at this meeting?

Mr. N. Padmanabha Menon.—I submit it is not in order.

Mr. K. T. Mathew.—You have disallowed some of my resolutions under Standing Order No. 22.

President.—Mr. Achyuta Menon, you moved that the Bill, as amended, be passed at a meeting on a particular day. That was rejected.

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Mr. K. Achyuta Menon.—The reason given is there is no hurry to rush through. The motion also makes it plain that the Bill is pending.

President.—That motion was lost. Have you got a right to bring a motion to the same effect at this meeting? That is the point we have to consider.

Mr. K. Achyuta Menon.—Yes, Sir.

President.—That motion was lost. Can you bring a similar motion during the same session?

Mr. K. Achyuta Menon.—My submission is that the motion was to pass the Bill at that meeting. That was negatived. My present motion is to pass it at this meeting. If it is negatived, I give notice of another motion.

Mr. C. Achyuta Menon.—What is the exact wording of the motion that was negatived?

Mr. K. Achyuta Menon.—The motion was that the Bill might be taken up and passed at Friday's meeting.

Mr. C. Achyuta Menon.—Does it mean that it should not be taken up and passed at any other time?

President.—The distinction you want to make is that the motion was that the Bill be passed at a particular meeting—I mean on a particular day. Now, you say that your present motion is that it may be passed at this meeting. Whether the motion can be regarded as identical is the point. We shall consider it carefully. Suppose your motion is put to day, and then it is negatived. Can you take it up to-morrow?

Mr. K. Achyuta Menon.—I will have to give sufficient notice. If there is 6 days' notice, it can be taken.

President.—Should any importance be attached to that particular word? You wanted to say something, and the Council wanted time to consider it, as there was no hurry about it. On that ground, they did not pass the motion.

Mr. K. Achyuta Menon.—The motion on the merits has not been negatived. Standing Order 22 refers substantially to the same motion. But here there is no such motion.

Mr. C. Achyuta Menon.—It has the effect of postponing and not negativing it.

Mr. A. B. Salem.—The Bill was to be taken up and passed under Rule 37. Last time the Council did not agree to it.

President.—The motion on the last occasion was that the Bill be taken up and passed at a meeting on a particular day.

Mr. A. B. Salem—May I know under what section the motion was made?

Mr. A. K. Vengu Ayyar.—Under Standing Order 42 (1).

Mr. K. Achyuta Menon.—42 (1) we have passed.

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Mr. A. B. Salem.—Is it 42 (1) or 42 (2)?

Mr. K. Achyuta Menon.—That stage we have passed. The Council passed the motion that this Bill be taken up and passed at Friday's meeting. On Friday it was rejected.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—On Friday it was not passed.

Mr. A. B Salem.—In the agenda paper before me, it is put 42 (1)—"Mr. K. Achyuta Menon will move, under Standing Order 42 (1), that the Bill to amend the Cochin Court of Wards Regulation be taken up and passed."

Mr. K. Achyuta Menon.—I think it is passed. I am subject to correction.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—See the printed Proceedings. That motion was lost.

Mr. K. Achyuta Menon.—I am sorry; the motion was lost. That adds strength to my arguments.

President.—But supposing on Friday this Bill was taken up and rejected, what would have been your position? Suppose the motion that the Bill be taken and passed on a particular day was agreed to by the Council, and the Bill in the usual course came on that particular day, Friday, and then, it was lost?

Mr. K. Achyuta Menon.—It was on that assumption I was arguing.

President.—Will you have a strong case?

Mr. K. Achyuta Menon.—Not as strong a case as this. It was on the assumption, under the impression, that the motion has been passed I said that the Bill be taken up and passed. The Council refused to take it up. That does not show that it should not be brought at another time.

President.—The Council took up but did not pass the Bill. I suppose that was the position.

Mr. A. B. Salem.—That was my point, i. e., the Council did not agree to pass the Bill on that day.

President.—We need not consider that. Now, the position is that the Council did not agree to the motion that the Bill be taken up and passed at a subsequent meeting which was to be on a particular day. Does that stand in the way of our taking up for consideration the motion now to be made before the Council by reason of the provision in the Standing Order 22? That is the question. Is that the point raised by you?

Mr. N. Padmanabha Menon.—Not exactly that. One motion having been made under Standing Order 42 (1), an identical motion could not be made during this session. The motion was made under that section during the last session,

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that the Bill, as amended, shall be taken up and passed at Friday's meeting, because the mover can make such a motion only under that section. That motion was lost. If a motion was once made under section 42 (1)—and it was negatived—an identical motion—let us disregard the words "the motion under the same section"—should not be made in this session.

President.—The question one has to determine is whether the present motion is *substantially* identical with the motion that was previously lost.

Mr. N. Padmanabha Menon.—Exactly, Sir.

President.—It is the question of *substantial* identity we have to consider. That is the point of order. Why do you introduce all these Standing Orders 42 (1) and 42 (2)? The question is whether the motions are *substantially* identical. We have to make motions under Standing Order 42. Standing Order 22 simply says that a motion must not raise a question substantially identical with one on which the Council has given a decision in the same session. Now, the question is whether the present motion is substantially identical with the motion that was lost at the previous meeting. That is the only question.

Mr. N. Padmanabha Menon.—The present motion is made under that section of the Standing Order, viz., 42. So this is substantially identical; because it falls under that section.

President.—That provides for the passing of a Bill at a subsequent meeting.

Mr. A. B. Salem.—At a subsequent meeting, and not to be taken up and passed to-day.

Mr. K. Achyuta Menon.—A motion that the Bill be taken up and passed at a subsequent meeting which I will announce.

President.—Why not it be done in this meeting?

Mr. K. Achyuta Menon.—The previous motion has to be passed.

Mr. N. Padmanabha Menon.—There is a second point of order. The motion could be made only that the Bill be taken up and passed at a subsequent day's meeting.

President.—Your motion is that the Bill is to be passed on some other day in this meeting.

Mr. A. B. Salem.—That is not given in the agenda. The agenda states that the mover is to move to take it up and pass under Standing Order 42 (1).

President.—Those words were omitted. The only thing is that it does not specify that it is to be passed at a subsequent meeting, on a particular day.

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Mr. K. Achyuta Menon.—The reference is to Standing Order 42.

President.—You have to make a distinction between a substantial thing and a shadowy thing. Is that the point of order? Because he has not stated in the motion that it may be passed at a subsequent meeting, there is objection to take it up now. That is the second point of order. What is the first point?

Mr. N. Padmanabha Menon.—I explained the first point.

Mr. K. T. Mathew.—It is an identical motion, because it is in the nature of an amendment. The main motion was made the other day. Any other Member could have made this amendment, but that amendment was not made. The major motion was defeated. This motion should have been made when that major motion was made. When that major motion was defeated, this amendment could have been put to votes. This comes as an amendment to the motion that was moved on that day. It cannot now be taken up, because it is an identical motion.

Mr. C. A. Ouseph.—I beg to differ. The motion is in order, Sir. There is a primary motion and a secondary motion. The motion to have the Bill passed on a certain day was taken up, and the House refused permission to have it taken up on that day. Now, the Government ask to take it up. Is it an identical motion? I have to differ. It is quite a different one. (*Hear, hear.*)

Mr. N. Padmanabha Menon.—The Hon'ble Member said that the motion is in order. This motion comes on Tuesday, and another has to be made on the last day. Two motions cannot be made under the same Standing Order.

President.—The discussion is over. I shall give my ruling.

Mr. C. A. Ouseph.—Shall I explain?

President.—Yes.

Mr. C. A. Ouseph.—The Member for Cranganur seems to be under a serious difficulty. The Member thinks only one-motion could be made under Standing Order 42 (1). The House can refuse sanction innumerable times to take up the final consideration of the Bill. As long as it is not taken up for final consideration, the motion will have to be made under Standing Order 42. It is not a rejection of the Bill. It is only a rejection of the permission to take it up on a particular day.

Mr. C. Achyuta Menon.—Negativing this motion has only the effect of postponing the passing of the Bill.

Mr. K. T. Mathew.—Now, it cannot be passed at this meeting.

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Mr. C. Achyuta Menon.—A day may be fixed for its passing.

President.—My ruling is that the motion is in order.

Mr. K. Achyuta Menon.—Sir, I beg to move that the Bill to amend the Cochin Court of Wards Regulation be taken up and passed at next Saturday's meeting.

Mr. K. T. Mathew.—At the next subsequent meeting, i. e., sitting. From Tuesday to Saturday is the meeting. Is Saturday a subsequent meeting?

President.—Every day is a sitting.

Mr. K. T. Mathew.—There are two sessions. The legislative session has got three meetings.

President.—Do you want my ruling on that ?

Mr. K. T. Mathew.—I want to know the meaning of the words "session" and "meeting."

President.—A "meeting" may be a continuous sitting for five days or a week. The term may as well be applied to the meeting on a particular day, and you can say also sitting. This is the last sitting of the legislative session. The meeting may comprise any number of days or only the sitting on a particular day.

Mr. K. T. Mathew.—Practically, there is no difference between sitting and meeting.

President.—I should think so. Who seconds it?

Mr. T. K. Krishna Menon.—I second it.

The question of taking up and passing the Cochin Court of Wards Regulation at the meeting on Saturday, the 27th of Meenam 1102, was put to vote and was carried.

A Bill to amend the Cochin Code of Civil Procedure.

Mr. K. Achyuta Menon.—I beg to move that the Bill to amend the Cochin Code of Civil Procedure be read in Council under Standing Order 31. Sir, at this stage I am expected to explain the general nature, nay the principles of the Bill. The nature of the Bill will satisfy you that it requires very little explanation from me. It is practically the same as the Code of Civil Procedure in British India. There is no substantial difference between the British Indian Code and Our Code except in regard to the form. In the British Code you find three divisions—the main sections of the Code, Orders, and then the Rules, unlike what we have in our Code in which only the sections exist. I don't think there is any substantial difference except in regard to a few matters, so that I don't think you will expect me to discuss the general principles of the Bill. No such discussion seems to be necessary. It will be unnecessarily taking up the time of the House.

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